REMARKS/ARGUMENTS

Claims 1, 2, 4-10, and 12-19 are active in this application. The claims are amended for clarity and to remove multiple dependencies. Support for the amendment to Claim 1 is found in canceled Claim 3. Support for Claims 12-19 is found in Claims 6-10 and the specification as originally filed. No new matter is added by these amendments. Favorable reconsideration is respectfully requested.

The rejection of Claims 1-11 under 35 U.S.C. § 102(f) is respectfully traversed.

Applicant submits herewith a Declaration from Mr. Soma who is the named inventor on this application. In this Declaration Mr. Soma state that he is the sole inventor of the application and the additional individuals listed as authors on the publication were merely working under his supervision. Accordingly, withdrawal of this ground of rejection is requested.

The rejection of Claims 1-11 under 35 U.S.C. § 103(a) over WO99/20748 in view of Hellstrom et al. is respectfully traversed.

As discussed on page 3 of the application referring to the WO99/20748 publication the monoclonal antibody described therein reacts strongly with uracil without cross reacting with dihydrouracil. However it reacts strongly with N-carbamoyl-β-alanine which is a metabolite of dihydrouracil and is contained in large amounts in normal urine, and has insufficient reactivity with uracil." The teachings of Hellstrom et al. simply provide that identification of antibodies are relatively easy once an engine has been identified. However, in combination, the two publications provide no suggestion for the claimed monoclonal antibody having the properties as claimed herein. In particular, Applicant draws the Examiner's attention to the examples in which a comparison between an antibody according to the invention and that described in WO99/20748 is described. In particular, Applicant calls the Examiner's attention to page 30 which states that as shown in figure 1, the

monoclonal antibody of the present invention enabled detection of uracil in a concentration range of 0.005-0.5 mg/ml. The detection sensitivity for uracil detection is considerably enhanced as compared with monoclonal antibody SU-1 originating from hybridoma FERMBP-6141."

Further, the Applicant has provided a cross reactivity test in Example 8, which starts at the bottom of page 30. Again, the monoclonal antibody SU-1 described in WO99/20748 is provided as a comparison. The results are presented in Table 1 and summarized below on page 31:

> As shown in Table 1, the monoclonal antibody of the present invention reacted strongly with uracil and thymine and exhibited does-dependent response. However, reactivity thereof with N-carbamyl-β-alanine, dihydrouracil, dihydrothymine, pseudoridine, and cytosine was found to be low. In contrast, the comparative antibody exhibited higher reactivity with N-carbamy-β-alanine than with uracil or thymine.

In light of the above, Applicant submits that the present claims would not have been obvious in view of the combination of WO99/20748 in view of Hellstrom et al. Accordingly, withdrawal of this ground of rejection is requested.

The objection to the specification under 35 U.S.C. § 112, first paragraph is respectfully traversed.

Applicant directs the Examiner's attention to pages 12-13 of the application which describes the deposition of the hybridoma cell line FERM BP-6870 under the terms of the Budapest Treaty. Under the terms of such a deposit Applicant confirms that all restrictions on this deposit of hybridoma will be irrevocably removed upon the granting of a patent on this application. Accordingly, withdrawal of this ground of rejection is requested.

The rejection of Claims 1-11 under 35 U.S.C. § 112, second paragraph is addressed by amendment. In addition, with respect to Claim 2, Applicant directs the Examiners

attention to the definition of the phrase "low reactivity" in the specification on page 6, first paragraph. Accordingly, withdrawal of this ground of rejection is requested.

The rejection of Claims 8, 10 and 11 under 35 U.S.C. § 101 is addressed by amendment.

The objection to Claims 5 and 11 under 37 C.F.R. § 1.75(c) is addressed by amendment.

Applicant also requests that this application be passed to issuance.

Respectfully submitted,

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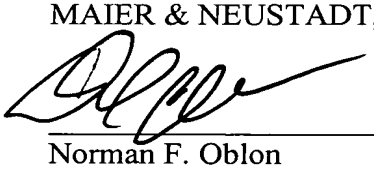

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